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Attorneys for Defendant
GATEWAY TITLE COMPANY

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AUDREY MCNAMARA NEVIS,

Plaintiff,

v.

WELLS FARGO BANK, a California
corporation, EXECUTIVE FINANCIAL
LENDING, JOHN B. SPEAR, an individual,
SHAI MOSHE, an individual, GATEWAY
TITLE COMPANY, QUALITY LOAN
SERVICES, Trustee and DOES 1-100, inclusive,
Defendants.

Case No. C 07 2568

**DECLARATION OF HELEN V.
POWERS IN SUPPORT OF MOTION
BY DEFENDANT GATEWAY TITLE
COMPANY TO DISMISS FOR
FAILURE TO STATE A CLAIM
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE RULE 12(b)(6)**

Date: September 10, 2007
Time: 2:00 p.m.
Room: 15
Judge: Hon. Marilyn H. Patel

I, HELEN V. POWERS, declare:

1. I am an attorney with Bardellini, Straw, Cavin & Bupp, LLP, attorneys of record for Defendant Gateway Title Company. I am licensed to practice law before all courts in the state of California. The matters stated herein are of my own knowledge and if called to testify, I could competently testify thereto.

2. I reviewed the escrow file for the transaction whereby Plaintiff Audrey McNamara Nevis obtained a loan from new Century Mortgage Company in the amount of \$880,000. Attached to this declaration and incorporated by reference as Exhibit A is a true and correct copy of the U.S. Department of Housing and Urban Development Settlement Statement pertaining to the loan. As

1 indicated on the HUD-1 Settlement Statement, Gateway Title Company handled the escrow for the
2 loan and First American Title Insurance Company provided the lender's title insurance. Attached to
3 this declaration and incorporated by reference as Exhibit B is a true and correct copy of the First
4 American Policy of Title Insurance.

5 3. As the Settlement Statement provides, the existing loan from Washington Mutual
6 Bank was paid off in the total amount of \$776,206.34. Of that amount the principal paid was
7 \$745,481.90.

8 I declare under penalty of perjury under the laws of the State of California that the foregoing is
9 true and correct and that this Declaration was executed on July 16, 2007 at San Ramon, California.

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11 /s/ Helen V. Powers
12 HELEN V. POWERS
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